

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IVAN RAY BLACK,

Plaintiff,

v.

CASE NO: 10-CV-12663-DT

CORRECTIONAL OFFICER LETSON,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter was referred to United States Magistrate Judge Laurie J. Michelson pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In her May 12, 2011 report, the magistrate judge recommends that this court grant Defendant's Motion for Summary Judgment, (Doc #19) as the Plaintiff failed to exhaust his administrative remedies.

No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹ Having reviewed the file and the Report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.

ORDER

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Any objection was due with the ten days of service, Fed.R.Civ.P.6(e). No objection has been filed as of the date of this order.

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Defendant's Motion for Summary Judgment (Doc #19) is **GRANTED** and the case is DISMISSED WITHOUT PREJUDICE for Failure to Exhaust Administrative Remedies.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 10, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 10, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522